



Spring 2012



Do you recognize this courthouse?  
See bottom of page 17.

## Supreme Court Office of Public Information: Three women, their mission, and some really good Toll House cookies

By Marcia McBrien, Public Information Officer, Michigan Supreme Court

"Just what is it that you *do*?" my neighbor asked during the summer block party. If I had replied, "Like the Three Fates in Greek mythology, my two colleagues and I sing of what has been, what is, and what will be, refining reputations like so many pieces of iron ore in the blast furnace of history," she would have backed away from me slowly, keeping a firm grip on the barbeque tongs and maintaining eye contact until she could turn and sprint for the safety of her front porch. And actually, that isn't all that good a description of what Barb Browne, Leslie Jenkins, and I do.

We're different things to different people. To the media, we're a major source of information about Michigan courts. To the courts, we're help with media relations and public outreach programs. To the public, we're the folks who steer them to the right resources for their needs.

And in general? We try to help the media and public understand the courts. And vice versa.

Here are the players:

**Leslie Jenkins, Public Information Assistant.** When you call the Public Information main line, you are likely to hear Leslie's personable, cheery voice on the other end of the phone. Once on the staff of State Rep. Perry Bullard, Leslie was for many years the organizational mainstay of *Michigan Lawyers Weekly*. She joined the Office of Public Information in 2002.



Leslie Jenkins

Leslie handles everything from media inquiries to frantic, last-minute calls for help from parents whose children's civics projects are due the next morning. Among other duties, Leslie maintains our distribution list for press releases and other news, and produces the daily "media newsletter" with links to news stories and editorials about Michigan courts. She also serves on the committee for *HOJpodge*, the employee newsletter for the Supreme Court, State Court Administrative Office, and Court of Appeals. You can reach Leslie at [JenkinsL@courts.mi.gov](mailto:JenkinsL@courts.mi.gov).

**Barb Browne, Court Relations Program Coordinator.** Barb came to Public Information in 2006 after a 28-year career with the Bloomfield Hills Public School system, serving as communications director and overseeing the district's radio and public access TV stations. She is the organizational (and unflappable) genius behind such public outreach events as Court Community Connections and Michigan Adoption Day.



Barb Browne (left) and Liz O'Dell, recipient of the 2009 St. Joseph County Bar Association Liberty Bell Award.

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## Office of Public Information

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Barb is married to Rick Browne who, in addition to being a senior research attorney for the Court of Appeals, serves as our extremely talented photographer for some public outreach events – most recently, Michigan Adoption Day 2011 at the Hall of Justice. Barb is a member of the *HOJpodge* committee and is also the organizer of many HOJ events, including the holiday party and charity auction. Her Toll House cookies are legendary. Barb's e-mail: [BrowneB@courts.mi.gov](mailto:BrowneB@courts.mi.gov).

**Marcia McBrien, Public Information Officer.** Attorney, former reporter (*Michigan Lawyers Weekly*), and publicist, I have many stories from my PR agency days, both about PR projects that worked beautifully and those that didn't (Take Our Dogs to Work Day comes to mind). I'm the Village Explainer, drafting press releases, talking points, scripts, and speeches, and answering reporters' questions about the Supreme Court and Michigan court system in general. My writing and editing duties include this newsletter. As part of my office's never-ending quest to improve the sometimes-frosty relationship between the media and the courts, I've given numerous presentations on media relations to judges and court staff. On the flip side, I've also organized various "law schools for journalists," usually in cooperation with local chapters of the Society of Professional Journalists (most recently, on March 3).



Rick Pluta of Michigan Public Radio interviews PIO Marcia McBrien outside the Supreme Court courtroom.

And did I mention that I have a Twitter account? You can follow me (@CourtInfo) for Supreme Court news and the occasional snarky Tweet about a news article typo or grammatical gaffe. You can reach me at [McBrienM@courts.mi.gov](mailto:McBrienM@courts.mi.gov).

But that's enough about us. We'd rather talk about what we can do for you. So please read on.

### Good News in the Making

Why wait for good news to just "happen" when you can take the lead? Consider these ways to reach out to your community and local media:

**Constitution Day.** Did you know that, under federal law, all state-funded schools – including colleges and universities – are required to teach about the U.S. Constitution on or near September 17? Here's an opportunity to educate your local students about the justice system while helping hard-working teachers meet the federal mandate. The Office of Public Information and the Supreme Court Learning Center have many resources and materials you can use to create your own presentation or lead a class discussion. Learning Center materials are available at <http://www.courts.michigan.gov/plc/ConstDay.pdf> and <http://www.courts.michigan.gov/plc/lawday06/SepPowers.pdf>. Chief Justice Robert Young also taped a Constitution Day program about *Plessy v Ferguson* that can be accessed on Michigan Government Television at <http://www.mgtv.org/education/>.

**Take a Judge to School Day.** All right, there isn't such a day. But there should be. Some judges literally "go to school" to hold court hearings – for example, a sentencing in a drunk driving case – as a learning experience for young people. Another option is to speak at a civics or social studies class. To spark a discussion about the courts, consider *CSI: Courts, Speed, and Implications*, a video produced by Public Information in partnership with Michigan Government Television, Comcast, and the Wayne County Regional Education Service Agency. DVDs are available free of charge from the Office of Public Information. *CSI* follows a real-life Michigan case from district court to the final decision in the Supreme Court. Show part or all of this video while taking breaks to discuss the issues in the case.

**Court Community Connections.** "Court Community Connections," a program aimed principally at high school students, takes the Michigan Supreme Court on the road twice a year, usually in October and May, to hold oral argument in various Michigan communities. The goal is to help students understand the appellate courts and Michigan's judicial system. To prepare for oral argument, students meet with local attorneys, who discuss the case that the Supreme Court will hear using a study guide and case summary prepared by the Office of Public Information. After the argument, students participate in a debriefing session with the attorneys who argued the case. Typically, a luncheon with the justices precedes the hearing, which is followed by a reception for justices, local judges and court staff, students, and others. Locations to date include Lapeer, Hastings, Saginaw, Centerville, Auburn Hills, Berrien, Adrian, Dearborn, and Caro. These programs are very popular with students and have created very positive media coverage for the host courts. Contact Barb at [BrowneB@courts.mi.gov](mailto:BrowneB@courts.mi.gov) if you'd like to be a host court.

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## Office of Public Information

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**Juror Appreciation Month.** July is “Juror Appreciation Month” in Michigan, and a good time to thank jurors for their service – and remind everyone of the jury’s critical role in our democracy. We have sample op-eds, book-marks, audio PSAs, and other materials you can use for your court’s program.

**“Law School for Journalists.”** Many reporters frankly admit that they need to know more about the courts. To that end, Public Information has co-sponsored a series of “law schools for journalists,” most recently with chapters of the Society of Professional Journalists, that give reporters a crash course in the Michigan justice system. Our curriculum covers the state courts and their functions, basic criminal and civil procedure, access to court proceedings and files, and much more. Materials include *A Journalist’s Guide to Covering Michigan State Courts*, a handbook produced by the Office of Public Information in cooperation with a committee of judges, lawyers, and journalists. Contact us if you’re interested in hosting your own “law school.”

**Michigan Adoption Day.** Started in 2002 by then-Chief Justice Maura Corrigan, Michigan Adoption Day celebrates Michigan’s adoptive families while focusing attention on children who need permanent homes. It’s held on the Tuesday before Thanksgiving, with the theme of “Giving thanks for families.” Participating courts often open adoption finalization hearings to the public, hold parties for adoptive families, or sponsor “adoption fairs” with information for potential adoptive parents. This year’s event will be held on November 20, marking the 10<sup>th</sup> year for Michigan Adoption Day.

**International Visitors Council.** IVC, an arm of the U.S. Department of State, designs and implements professional programs, cultural activities, and home hospitality for foreign leaders, specialists, and dignitaries. Public Information has arranged for visitors to tour the Hall of Justice and local courts to get an up-close look at the American legal system.

**News, news, news.** Part of our job is staying up with news that affects Michigan courts, so we scour the headlines and package them up in our “media newsletter,” distributed to the Supreme Court, Court of Appeals, and SCAO each weekday. You can subscribe too! Just e-mail Leslie at [JenkinsL@courts.mi.gov](mailto:JenkinsL@courts.mi.gov) with “Subscribe media newsletter” in the subject line. ■

## Calhoun County PPO Program: A Success Story

*By Anne Norlander, Calhoun County Clerk and Register of Deeds and  
Toni Underwood, Chief Deputy Clerk, 37<sup>th</sup> Circuit Court (Calhoun County)*



A victim of domestic violence stood in line at the clerk’s counter as attorneys, litigants, and others bustled through the courthouse lobby, some staring at the woman’s bruises and the traces of blood on her face. When her turn came, she hesitantly asked the clerk for a personal protection order form. “It looks like you’re a little too late!” the clerk commented. Behind the woman, people waiting to pay their traffic tickets shifted their feet impatiently. Someone snickered.

This is a true story; it happened at our Justice Center. But it is not the end of the story. The woman’s sad experience led to changes in the way we handle PPO requests.

First, a little history: In 1994, the Michigan Legislature passed Public Acts 58 and 61, mandating that county clerks of Michigan process personal protection orders (PPO). Calhoun County, like most counties, struggled with implementing the new legislation and needed guidance in understanding the complexities surrounding the cycle of domestic violence.

In the beginning, domestic violence victims waited in line in the Justice Center lobby. They were forced to tell their story to the clerk in front of everyone, with absolutely no privacy or dignity. Domestic violence victims, who had already experienced demoralization and dehumanization, were being humiliated all over again – and in the court that was supposed to help them.

To change that, in 1997, Clerk Anne Norlander pulled together a committee representing all the agencies that support domestic violence victims: clerk’s office, county prosecutor, law enforcement, local domestic violence shelter, legal services, sexual assault services, and others. As we identified problem areas, we also created an outreach program for the general public and those who serve domestic violence victims – for example, newsletters and training for law enforcement, and presentations to various audiences, including high school and tech school students. In 1998, we obtained funding for a full-time PPO coordinator, who is funded by the county.

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## Calhoun PPO Success Story

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The coordinator provides information, support, and technical assistance to individuals seeking PPOs, including referring them to legal or other services as needed. In addition, the coordinator screens petitioners to ensure they would qualify for a PPO. We have been fortunate to have two highly-qualified people fill that position; our current PPO coordinator is a former law enforcement officer who was trained in domestic violence issues, and our first possessed a criminal justice/psychology degree. Both these gifted ladies have made it much easier for domestic violence victims to navigate the PPO process and to get the other services they need.

We also obtained two Byrne grants (requiring matching funds) that were used to support a second PPO position and an off-site PPO position in the Albion Law Enforcement Building on the east side of the county. However, continually searching for matching funds became a problem, making it impossible to retain the grant-funded positions. The off-site PPO position is now funded through S.A.F.E. (Secure Area Family Environment) Place, our local domestic violence shelter; that coordinator works with the county PPO coordinator in filing the PPOs, attending criminal and PPO court hearings with clients, and providing transportation to the Justice Center in Battle Creek. The second position was eliminated.

We have found that domestic violence victims want more than just a form to complete – they need someone to listen to them relate what is going on in their lives. They need someone to answer their questions, and to know they will not be alone when they have to face the respondent in court. Our PPO coordinator successfully eases many of the tensions involved in the PPO process.

Our PPO program is unique in that we assist both petitioners and respondents with the PPO process. We have two private PPO offices divided by security glass; the PPO coordinator assists potentially volatile respondents through the security glass. When filing their motions to terminate or modify the PPO, respondents can tell their stories to the PPO coordinator. We believe that, when respondents can vent their feelings in this way, we have fewer severe domestic violence incidents and a lower fatality rate in Calhoun County.

Our original PPO committee has long since dissolved; however, through the years, we have formed several other groups, which ultimately merged to form the Domestic Violence/Sexual Assault Coordinating Council. The council, which meets quarterly, includes the PPO coordinator, prosecutor, sheriff, judges, probation staff, S.A.F.E. Place, Sexual Assault Services, Child Advocacy Center, law enforcement, legal services, Kalamazoo Probation Enhancement Program, Community Mental Health, and Department of Human Services, as well as victims, families of victims, and community members. Guest speakers are invited to the quarterly meetings; on many occasions, victims and their family members speak to the group about how the system has assisted them or, in some cases, did not work for them.

Calhoun County has many success stories from the victims of domestic violence. Many victims have left their abusive relationships, gone back to school or college, regained custody of their children, and purchased cars and homes. Some have moved out of state. Calhoun County has received praise and accolades from mothers and fathers of domestic violence victims who have witnessed the abuse. The Calhoun County PPO Office strives to improve the services it provides for each and every domestic violence victim. In 2011, we received 696 PPO applications; 462 petitions were granted.

We are proud of the PPO program that we have developed in Calhoun County through a collaborative effort. We, along with our many partners, will continue to assist victims of domestic violence with kindness and dignity, hoping that someday domestic violence will be a thing of the past.

Interested in learning more? Contact Toni Underwood at 269-969-6920. ■

## Legal Research on the Web

*By Dana Graham, Management Analyst, Trial Court Services*

Legal research is part of a court's daily work, but legal research services can be expensive. Web-based tools like Westlaw and Lexis Nexis work well, but may be cost-prohibitive; on the other hand, free resources, such as [www.michiganlegislature.org](http://www.michiganlegislature.org) or <http://www.courts.mi.gov>, may not be specific enough. Is there a better – and affordable – way?



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## Legal Research on the Web

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Fortunately, there are several web-based research tools available at little to no cost. And, while they aren't as expansive as Westlaw or Lexis Nexis, they can supply many of your research needs.

Casemaker Elite is available to members of the State Bar of Michigan at no cost, other than annual bar dues. Casemaker Elite can be accessed through the member area of the State Bar of Michigan website at <http://www.michbar.org>. The service provides case law, constitution, and statutes for all 50 states and the District of Columbia. It also provides Michigan-specific primary law, code, court rules, attorney general opinions, and model civil jury instructions. State Bar members also have access to several advanced research tools, including case citation and library searches.

Other websites provide free case-search services for attorneys and non-attorneys. The U.S. Supreme Court official site (<http://www.supremecourt.gov/>) contains Supreme Court decisions starting with the 2000 term. Findlaw (<http://www.findlaw.com/casecode/supreme.html>) houses a searchable database of U.S. Supreme Court decisions dating to 1893. The Google Advanced Scholar Search, available at [http://scholar.google.com/advanced\\_scholar\\_search](http://scholar.google.com/advanced_scholar_search), provides simple search access to court opinions, including those of Michigan courts. Google Scholar includes scholarly literature such as books, journals, abstracts, and articles, which can be located through the web or a local library. This tool also has a help page, which gives general instruction and links to advanced search tips.

The Legal Information Institute, published and maintained by the Cornell University Law School, can be found at <http://www.law.cornell.edu/>. The Institute is a nonprofit group dedicated to publishing law online and creating materials that help people understand the law. The website includes federal and state law, the U.S. Code and C.F.R., U.S. Supreme Court decisions, a legal dictionary, a legal encyclopedia, and some state-law resources.

American Lawyer Media (ALM), a legal publishing company, provides a free legal dictionary at <http://dictionary.law.com/Default.aspx>. Though not as expansive as Black's Law Dictionary, the site does provide basic definitions and concepts.

Courts can use each of these websites to conduct free legal research. If you are aware of other free or low-cost resources, please feel free to share them with Dana Graham at [grahamd@courts.mi.gov](mailto:grahamd@courts.mi.gov). ■

## Saginaw County Schools Organize To Stop the Bullying

*By The Honorable M.T. Thompson, 70th District Court (Saginaw County) and Professor Monica Nuckolls, Thomas M. Cooley Law School*



The echo of gunfire in our schools and the proliferation of teen suicides have focused new attention on the age-old problem of bullying. Gov. Snyder recently signed Michigan's long-awaited anti-bullying bill into law. This legislation makes it harder for schools to ignore or downplay bullying, and puts more pressure on schools to find their own solutions. One such school-based solution is being tested in Saginaw.

Earlier in 2012, certain Saginaw County schools, including Saginaw Public Schools, Buena Vista Public Schools, Carrollton Public Schools, Bridgeport-Spaulding Schools, Birch Run Area Schools, Merrill Community Schools, Swan Valley Public Schools and St. Thomas Aquinas School, participated in a new and innovative anti-bullying initiative. A anti-bullying curriculum – *The Weekly Bully Beat Down* – was developed by Saginaw County District Court Judge M.T. Thompson, Jr., Prof. Monica R. Nuckolls of Thomas M. Cooley Law School, and Dr. Gwendolyn Thompson-McMillon of Oakland University. This weekly reader was distributed to over 3000 Saginaw students over six weeks.

The *Weekly Bully Beat Down* contains a series of stories about bullying situations: racial harassment, religious harassment, sexual harassment, homosexuality, sexting, cyber bullying, teen suicide, school shootings, and other scenarios. The stories require students to role play as they determine how each of the characters in the stories

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## Stop The Bullying

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react to a variety of bullying situations. The beauty of the program is the power of the stories, the way they are told, the way they engage the students, and the teaching opportunities they present. Many of the stories are based on real-life situations. The program also includes an essay contest and a contest in which students incorporate the program's anti-bullying message into an essay, song, rap or poem. Comprehensive studies from both Delta College and Oakland University document the effectiveness of the program and how it can reduce bullying episodes in school.

Saginaw County's anti-bullying campaign also included a series of Saturday morning training sessions and two field trips. Approximately 235 students between the ages of eight to 18 participated in the Saturday classes, which focused on what students can do to stop the bullying. There was also a special class for parents.

The *Weekly Bully Beat Down* has received very positive evaluations from the participating schools, students and parents. The program authors are currently working to expand this very unique, evidence-based anti-bullying program into other communities. Any community or school district interested in taking a closer look at the program or program materials should contact the author at [malikthompson@sbcglobal.net](mailto:malikthompson@sbcglobal.net). ■



## Court Interpreter Practice in the Sixth Circuit Court

*By Richard Lynch, Manager-Civil/Criminal Division*

Imagine that you are ordered to appear in court to defend against serious allegations. Perhaps you are charged with a crime that could result in your being imprisoned for a number of years or deported from the United States. Maybe you have been accused of child abuse or neglect, and could lose your parental rights. All this is bad enough, but now imagine that you do not speak or understand English and that the court-appointed interpreter cannot or will not communicate with you. In short order, you could find your life turned upside down based upon allegations of acts that you did not commit, testimony that you did not understand, and statements that you did not make.

Fortunately, this nightmare scenario doesn't have to become reality. A comprehensive interpreter screening and training program can help ensure that court interpreters are professional, well qualified, and competent to assist non-English speakers in court.

The Sixth Circuit Court (Oakland County) has its own comprehensive language interpreter program, developed with help from certified court interpreters, judges, and court staff at both the state and federal level. Features include an annual application, ethics certification, training, a preference for certified interpreters, and a tiered payment schedule.

Here's how it works.

### Application

The Sixth Circuit Court uses a comprehensive interpreter application for all interpreter applicants (see <http://www.oakgov.com/circuit/assets/docs/division/interpreter-application.pdf>). In addition to contact information, the form provides a snapshot of the applicant's professional development, experience, and English language skills. Based upon the information provided in the application, the court automatically places certified interpreters in category I on the list and begins the qualification process for uncertified interpreters.

### Ethics

Each applicant must also submit a form certifying that the applicant has read and agrees to be bound by the Code of Professional Conduct for Interpreters. The court requires this ethics certification with every application. This requirement encourages court interpreters to be familiar with the code and reinforces their understanding of their ethical obligations. And, to assist new and uncertified interpreters, both the basic and advanced training classes contain a component on the ethics code.

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## Court Interpreter Practice

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### Training

All uncertified interpreters must successfully complete a qualifying training class as part of the application process. There are three tiers of training: basic, advanced, and subject-specific. The trainings are designed to educate interpreters on the requirements of court interpretation and skill development, and to prepare them for the language certification test.

Based upon the written application and, if applicable, performance at past trainings, each uncertified interpreter is invited to a skill- and experience-appropriate training. Each applicant must also successfully execute a back translation, which objectively tests his or her language skills. The basic class also includes testing components on court terms and procedures, ethics, and general English proficiency. The applicant's performance on the testing tools determines his or her placement on the court's list.

Subject-specific trainings are designed for certified interpreters, as well as experienced, uncertified interpreters who have successfully completed the basic and advanced classes. The trainings focus on exposing interpreters to topics they are likely to encounter when interpreting in court or other legal environments. The trainings do not attempt to create subject-matter expertise; rather, they present an overview of the subject and clarify the specialized language associated with the topic. Recent topics have included working with a child witness, forensic psychology, forensic medicine, law enforcement procedures, common legal issues, and sentencing alternatives.

### Interpreter List

Following the trainings, the court places interpreters on the list in one of three categories. Category I is reserved for interpreters certified by the Michigan Supreme Court or the United States District Court. Interpreters who interpret for other government agencies are not considered Category I because the testing standards are different; they must obtain court certification. Category II consists of highly qualified, uncertified interpreters. Typically a Category II interpreter has practiced as an interpreter for a number of years and has successfully completed both the basic and advanced classes at a high level. Qualified interpreters are placed in category III. The interpreters in Category III are often newer interpreters who successfully completed the basic and possibly the advanced classes.

Despite efforts to make the interpreter list as comprehensive as possible, there are times when the court receives interpreter requests for languages not represented on the list. When this happens, staff in the court administrator's office will work with interpreter agencies, business organizations, local universities, individuals interested in court interpreting, community centers, and places of worship to identify possible interpreter resources. Once candidates are located, court staff investigates the candidates' training and experience, the ability to interpret for the particular proceeding, any potential conflicts of interest that might exist with the proposed assignment, and knowledge of the Code of Professional Conduct. Once a qualified candidate is identified, the information is forwarded to the court or requesting party.

### Payment

The Sixth Circuit Court pays certified interpreters \$50 per hour with a two-hour guarantee. Other interpreters receive \$35 per hour with a two-hour guarantee. Unless the court pre-approves an exception, interpreters are not paid for lunch hours or for mileage. To ensure efficient payments, the court requires interpreters to register as vendors with the county's Fiscal Services Division and use the standard billing form.

Thanks to this comprehensive application and training program, the Sixth Circuit Court has more certified and better-qualified uncertified court interpreters. If you have questions regarding this program, please feel free to contact me at 248-452-2171. ■

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<sup>1</sup> A back translation is a language testing tool. The applicant receives an appropriate English language passage and translates it into his or her subject language. At the end of the class, the interpreter receives the translated passage back from the instructor and must accurately translate it back into English. In the basic training class, the back translation is graded according to a scale used in a language interpretation class taught at a local college. For the advanced training class, the back translation is graded according to the American Translators Association grading scale.

# Macomb County Launches State's First Business Docket

By Jennifer Phillips, Court Administrator

An increasing number of states have a business court or judges assigned only to business disputes. The oldest and best-known example, the Delaware Court of Chancery, was established in 1792, but in the last 15 years, New York, North Carolina, and Wisconsin have started courts where judges only hear complex corporate and commercial litigation. To that growing list of business courts, now add Macomb County, which launched the state's first Specialized Business Docket in November 2011.

Why have a business court? Business cases tend to be very time-consuming; discovery is more extensive and lengthy than for most civil cases. As a result, business disputes can tie up a court's resources to the detriment of other cases. Business courts allow courts to manage corporate and commercial litigation efficiently, without creating delays for other litigants. A key recommendation of the State Bar of Michigan's Judicial Crossroads Task Force was the creation of "specialized business dockets" in Wayne and Oakland County "and others as appropriate." Having business dockets, the task force suggested, would also "create a predictable body of business law" that would in turn make Michigan more attractive to business.

After the task force released its report in March 2011, Macomb Circuit Judge John C. Foster encouraged then-Chief Judge Mark Switalski to move forward with implementing a business docket in Macomb. "I have always had a strong interest in business litigation and was very interested in seeing how we could apply the business court concept in Macomb Circuit," Judge Foster said. Fortunately, at the same time, Judge Foster and I crossed paths with attorney Brian D. Wassom of Honigman, Miller, Schwartz and Cohn, LLP, who had been advocating a business court model for several years. Together, we formed a committee to get the ball rolling.

On October 14, 2011, SCAO approved Local Administrative Order 2011-5 establishing Macomb's Specialized Business Docket Pilot Project. Much of the LAO was taken directly from the *Judicial Crossroads Task Force Report*, including the following key components:

- Categories of eligible and ineligible cases;
- Case management provisions;
- Procedural mechanisms for assignment to the SBD;
- Use of technology in the SBD;
- Provisions for evaluation of the pilot project.

Business cases are divided into three categories for assignment purposes:

- Mandatory Category I (business torts, antitrust law, intellectual property, securities law, commercial real estate and most business-to-business disputes);
- Eligible Category II (commercial insurance disputes, indemnification claims);
- Excluded Category III (products liability, personal injury, and medical malpractice).

## LINKS OF INTEREST

- **Macomb County Circuit Court SBD Website**  
<http://www.macombcountymi.gov/circuitcourt/sbd.htm>
- **Local Administrative Order 2011-05 Establishing Macomb SBD**  
<http://macombcountymi.gov/circuitcourt/documents/2011-5SignedLAOreSpecializedBusinessDocket.pdf>
- **Searchable Database of Judge Foster's Business Opinions**  
<http://courtopinions.macombcountymi.gov>
- **State Bar of Michigan Judicial Crossroads Taskforce Report**  
<http://www.michbar.org/judicialcrossroads/JudicialCrossroadsReport.pdf>



## Specialized Business Docket

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Upon filing of a Category I case, the plaintiff's counsel is required to file a *Notice and Order for Assignment to the SBD*. If the plaintiff fails to do so, any judge on the Macomb bench may refer the case to the Specialized Business Docket upon discovering the error. Since Category II cases are optional, parties must file a *Stipulation and Order for Assignment to the SBD* and get approval from both the assigned judge and the Specialized Business Docket judge. Both forms, and a more detailed list of the assignment categories, are available on the SBD website.

The most important feature of the Specialized Business Docket: the judge's aggressive and proactive case management. The LAO states, "The SBD Judge will prepare a detailed case management plan based on the initial court conference. The plan will include requirements for interim pretrial orders by counsel and unrepresented parties, and status conferences with the court." The specifics of the case management plan closely model the federal court rules and are outlined in Section 5 of the LAO.

Perhaps the most exciting feature of the SBD is the use of emerging technologies in the courtroom. Thanks to funding from SCAO for video arraignment capabilities, Judge Foster's courtroom has been equipped with state-of-the-art Polycom video conferencing equipment, which can also be used for attorney conferencing. In addition to connecting to other Polycom units, an attorney with an iPad can download the *Polycom Real Presence Mobile* app and conference in to Judge Foster's courtroom from remote locations. Further, all of Judge Foster's business-related opinions are being uploaded to a searchable database online.

Technology will also play a big role in helping to analyze the pilot program's success. All Specialized Business Docket cases are being tracked by docket codes, which will then be used to run reports comparing the time guidelines of business docket versus non-business docket cases. In addition, all business docket litigants will complete an online survey at the case's conclusion. Our business docket committee meets quarterly and will report annually to SCAO.

We are fortunate to have the strong support of our new Chief Judge David F. Viviano, and we will continue to refine our business docket with input from everyone involved, including litigants. Lisa Ellis, Macomb's recently-appointed Chief of Specialty Court Services, has been instrumental in getting the docket operational and advancing the court's use of technology. Anyone with questions regarding the Macomb Specialized Business Docket may contact her at [Lisa.Ellis@macombgov.org](mailto:Lisa.Ellis@macombgov.org). ■

## Law Day – Accent On the Positive

*By Marcia McBrien, Public Information Officer, Michigan Supreme Court*

The 33rd District Court in Woodhaven is taking the negative-sounding Law Day theme proposed by the American Bar Association — "No Courts, No Justice, No Freedom" — and turning it into something positive. With the theme "Courts = Justice = Freedom," the 33rd District Court makes the point that courts are guardians of our freedoms — no "no" about it! The court will offer local students courtroom tours and mock trials, plus demonstrations by the police and fire departments. A great way for young people to see the judicial branch at work! Many thanks to 33rd District Court Administrator Peg Krizan for sharing this. ■



*See the court's brochure on the next page.*



33rd District Court  
Law Day 2012  
Tuesday, May 1, 2012

"Courts = Justice = Freedom"

9:00 a.m.—3:00 p.m.



4th and 5th grade students from area schools tour the court and enjoy the police and fire department displays and demonstrations.



## 17th Circuit Court Program Reaps Benefits for Minority Youths

*By The Honorable Patricia D. Gardner, Kent County Family Division Judge*

Disproportionate Minority Contact – often abbreviated as DMC – is a national issue. African-American youths are nearly five times more likely to be referred to a juvenile court than white youths, and are much less likely to be referred to a diversion program.

Here at the 17<sup>th</sup> Circuit Court, judges and staff knew by experience that juveniles of color were over-represented in our system. Juvenile arrest data confirmed our perception: In Kent County, black youths were almost seven times more likely to get referred to the court than white youths, and eight times more likely to get referred to the court for a felony offense. This over-representation continues through the rest of the system, including probation, placement, and detention.

In 2007, the 17<sup>th</sup> Circuit Court Family Division and community leaders decided to take action. The court applied for, and received, a three-year grant from the Department of Human Services Bureau of Juvenile Justice; our goal was to reduce, through diversion programs, the number of minorities involved with the formal court system. The grant also allowed us to collect juvenile arrest data in Kent County.

The court started working with a community resource, School-To-Progressions. The result was the Juvenile Success Center, a diversion program for juveniles who had been referred to the court by law enforcement agencies for low-level misdemeanors, such as trespassing, retail fraud, breaking curfew, and creating a disturbance. The grant application called for up to 60 juveniles, 13–16 years of age, to be diverted annually to the Juvenile Success Center for a three-month program. The center's programming included personal development training, life-skills workshops, tutoring, academic support, and parent/guardian participation. In addition, each juvenile was assigned a "Success Coach" to work one-on-one with the juvenile. To ensure that the diversion program primarily targeted minority youths, the court diverted referrals to the center from selected zip codes in the city of Grand Rapids.

While the diversion program was in the development stages, the court organized a DMC Action Team to oversee and direct DMC activities, including the Juvenile Success Center and data collection. The team included judges, law enforcement personnel, prosecutor's office staff, court and school personnel, and community members.

Fast forward to the present. The 17<sup>th</sup> Circuit Court is now in the fifth year of a grant to address DMC with juveniles referred for delinquency. In 2011, 122 juveniles were referred to the Juvenile Success Center, far above the number specified in the grant. We continue to collect and analyze arrest data, and our efforts have expanded to other municipalities in Kent County. The DMC Action Team continues to meet and direct DMC reduction efforts.

Since we started this program, we have seen some significant and very positive findings. Most important, the court diversion rate for minority youths is now nearly the same as for white youths – a very significant accomplishment. Nearly 500 juveniles have been diverted from the formal court process since the Juvenile Success Center was implemented. Of those who successfully completed the program, nearly 90 percent were not referred by police to the court within one year of program completion.

Much more difficult work still needs to be done on the DMC issue. However, through the Juvenile Success Center, and armed with accurate data, the judges and court staff have a much better understanding of DMC. We renew our commitment to reduce DMC in the 17<sup>th</sup> Circuit Court.

Contact me at 616-632-5220 if you would like to learn more. ■



# Attorney Training in Wayne County

By Peter Schummer, Deputy Family Division Administrator  
Michael McClory, Deputy Probate Register



Wayne County has hundreds of attorneys who receive court appointment to criminal, probate, and family division cases (both juvenile and domestic). To help provide current information to these attorneys, the Third Circuit Court and the Wayne County Probate Court hold annual training sessions. Each court conducts the trainings differently, but the goal is the same – to ensure that Wayne County residents receive competent legal representation.

## **CRIMINAL**

In 2011, the Criminal Division of the Third Circuit Court received over 15,000 filings. Attorneys seeking criminal court appointments must attend Criminal Advocacy Program (CAP) sessions. More experienced attorneys (10 years or more) attend fewer sessions than attorneys with less experience. Wayne County judges, prosecuting attorneys, and defense attorneys serve on a board that chooses topics and speakers. They also help facilitate the actual sessions, which are generally done in a series of Friday afternoons each fall. The sessions are well-received by attendees. One commented, “CAP has provided training for many years – it has always been helpful and relevant to my practice.” Another remarked that “The speakers are always knowledgeable and engaging.”

## **FAMILY DIVISION - DOMESTIC**

In a civil contempt matter, a defendant has a right to an attorney if the court may punish the contempt with jail time. With over 400 friend of the court contempt matters scheduled weekly, the need for well-trained appointed counsel is crucial. Judges and a senior staff attorney develop the family division domestic attorney training. The training includes review of the contempt statutes and explanation of the child support system. Attending attorneys learn how the obligation is determined, how arrearages accumulate, how support may be modified, the assignment of support, and the commitment and other penalties tied to a contempt finding.

## **FAMILY DIVISION - JUVENILE**

With 20,000 filings in 2011 dealing with children and parents, a well-informed bar is essential for providing competent legal services for the families of Wayne County. Judges, referees, defense counsel, LGALs, and representatives from the offices of the Attorney General and the Wayne County Prosecutor select speakers and topics for the one-day annual training. Recent topics have included foster parent issues, parent’s perspective of the court process, signs of child abuse, psychotropic medication and children, courtroom decorum, sexual offender registration, drug court, forensic interviewing of children, and updates on recent case law and legislation. *Julia Norton was able to attend the 2011 training; her comments appear in an article on page 13.*

## **PROBATE COURT**

The Wayne County Probate Court has conducted an annual attorney training program since 1996. Chief Probate Judge Milton L. Mack, Jr. explains, “We view the attorney training program as a valuable seminar. It allows us to give information to new lawyers as well as provide updates to experienced counselors on the expectations and processes involved in various types of assigned work for the Wayne County Probate Court.”

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## **Links to Registration Information**

### **Criminal**

[www.capwayne.org](http://www.capwayne.org)

### **Family Division-Domestic**

[www.capwayne.org](http://www.capwayne.org)

### **Family Division-Juvenile**

[www.3rdcc.org](http://www.3rdcc.org)

### **Probate**

[www.wcpc.us](http://www.wcpc.us)

### **Probate Materials**

[www.wcpc.us](http://www.wcpc.us)  
(select the *Attorney Training* link)



## Attorney Training

(continued from page 12)

Each day-long session is split into two parts: a morning session for attorneys fresh out of law school who have never before worked in probate court, and an afternoon session for more experienced attorneys. At the morning session, new attorneys learn the basics: how to file a petition, what to wear in court, and what responsibilities court-appointed attorneys have in guardianships, conservatorships, and other court actions. The session also focuses on probate court staff – their roles, how to work with them, and who to talk with when problems arise.

During the afternoon session, attorneys are updated on various appellate decisions, as well as personnel/administrative changes. At the conclusion of the afternoon session, attorneys are given application forms to get their names on the list of those who are eligible for appointments.

Attorneys must also turn in a profile sheet with contact information and assignment preferences. If a lawyer wishes to receive cases representing respondents in mental health cases and/or subjects of adult guardianship petitions, they must also submit proof of malpractice insurance with an aggregate amount of \$250,000. Attorneys who take guardian ad litem assignments (i.e., adult guardianship reviews, adult guardianships, and miscellaneous guardian ad litem assignments) are not required to have malpractice insurance, since guardian ad litem assignments are covered under Michigan's governmental immunity statute. *Daniel Bauer was able to attend the fall, 2011 training; his comments appear in an article below.*

The Wayne County Probate Court Attorney Training Program has gone paperless. Training materials are posted on the court's website and an e-mail is sent to all registrants informing them to either print and bring the materials to the seminar or view them on a laptop during the sessions. The training handouts, which include outlines, forms, checklists, sample reports, cases, and court rules, are left on the website so they can serve as a readily available resource to lawyers handling assignments.

To learn how you can implement an attorney training program in your court, contact Peter Schummer at 313-833-5600 or Michael McClory at 313-224-5685. ■

## The Benefits of CLE

*By Julia Norton, Clerk of the Court  
61st District Court (Kent County)  
(formerly SCAO Management Analyst)*

I was wrong. I missed it. I actually missed continuing legal education. And I didn't even realize how much until I attended the Third Circuit Court Juvenile Division Mandatory Attorney Training.

I can't say exactly what contributed to this epiphany. Maybe it was the presenters, the subject matter, or the overall atmosphere, but I've got a new perspective on CLE: It isn't an obligation, it's an opportunity.

While practicing law in Illinois, I spent what felt like an eternity logging in all my CLE hours. At the time, it felt like such a hassle, an unpleasant task to be checked off a "must do" list. In late 2010, when I moved to Michigan, I was glad to learn there is no CLE requirement. I may even have done the happy dance. I now admit that I was wrong.

What I now understand is that CLE, or any type of educational seminar, is about more than just being "talked at" for a few hours. It is the chance to pick the brains of fellow practitioners, connect with old friends, make some new contacts, get insights on case strategies, and get re-energized about your profession.

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## Mandatory Training for Wayne County Probate Court Attorneys

*By Daniel Bauer, FOCB Management Analyst*

I'm not an attorney, but I play one on TV.

Well, okay, I don't. But I do watch attorneys on TV. On occasion. When my wife lets me.

So, by watching these shows, I know that every attorney knows everything about courtroom procedure, has briefs pre-printed and ready to serve on opposing counsel, and can navigate through a court file and find in seconds the one piece of information that will turn the case in the client's favor. It must be a dream for court staff to work with such *wunderbar* attorneys.

Let's get back to reality. I'm fairly certain that what I see on TV is just fiction. Things don't run that smoothly for most real-life attorneys – especially new attorneys. And speaking from personal experience, I can confirm what many suspect: law schools don't always prepare their students to work with court staff. So, how do courts operate when attorneys do not know the ins and outs of the courthouse or courtroom? How do attorneys learn to work with court staff?

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## The Benefits of CLE

(continued from page 13)

But back to the juvenile division training, a full day packed with interesting presentations by speakers with real-life field experience. Referee Richard L. Smart kicked off the morning with legal updates, sharing a sense of humor and getting us laughing, despite the serious subject matter. Assistant Wayne County Prosecutor Horia Neagos provided an update on the sexual offender registration law changes and an interesting prosecutor's perspective. Neurophysiologist and Substance Abuse Counselor Dr. Patrick Ryan, Ph.D., delivered an intense overview of psychotropic medication and children, explaining the many effects such medications have on juveniles, both positive and negative. Nancy Diehl, Retired Chief of Trial Division for the Wayne County Prosecutor's Office, discussed forensic interviews of children, including protocols developed by the governor's task force on children's justice (MCL 722.628). Ms. Diehl fielded many questions regarding interview technique and courtroom testimony.

Apart from the great presentations, this training reminded me of an important truth: the benefits of CLE far outweigh the burden. Regardless of whether continuing education is required for your profession, it is important to keep up to date on changes and maintain competence. Attending professional association meetings and signing up for field-specific newsletters are two ways to find out about upcoming training and seminar opportunities. No matter your field or profession, setting the time aside to attend training seminars is often exactly what you need to reconnect with why you chose your career path and maintain your edge. ■

## Mandatory Training

(continued from page 13)

The Wayne County Probate Court attorney training goes a long way toward answering these questions. This training is mandatory for any attorney who wants to be eligible for appointment work in that court.

Not only does this training help the attorneys practice in the Wayne County Probate Court, but it also helps the court run more efficiently. While the trainees may never be as smooth as Jack McCoy on *Law & Order*, they can now do a better job of representing their clients – and that's the greatest benefit of all. ■

## Questions? Comments? Suggestions?

Contact the Connections team at: [connections@courts.mi.gov](mailto:connections@courts.mi.gov) or 517-373-7496.

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## A Virtual Tour Of The Hall Of Justice

*By Carrie Pickett, Executive Director  
Michigan Supreme Court Historical Society*

When the Chief Justice of the Michigan Supreme Court sits on the bench and the doors to the courtroom are open, he (or she) can see all the way to the Capitol. It is a view that encompasses the long history of the Court in Lansing, taking in the Capitol itself where the Court met from 1879–1970, as well as the Court’s “temporary” location in the G. Mennen Williams Law Building, where it met for another 32 years.

It was not until October 2002 that the Supreme Court found a permanent home in Lansing. The justices, led by then-Chief Justice Maura Corrigan, opened the newly-constructed Hall of Justice after a symbolic procession from the Capitol. Creation of the Hall of Justice brought together under one roof the Michigan Supreme Court, Court of Appeals, Board of Law Examiners, State Court Administrative Office, Michigan Judicial Institute, Judicial Information Services, and the Supreme Court Commissioners. More than 330 people work in the Hall of Justice, uniting staff who had previously worked in five different buildings scattered around the Lansing area.

The Hall of Justice is more than a building. It stands as both a monument to the traditions of justice and a reminder to those who enter of the essential role the justice system plays in American democracy.

The six-story Hall of Justice is anchored by a circular center crowned with a domed skylight, with the northern and southern wings curving toward the Capitol. Single-story colonnades extend from the ends of each wing as if reaching out and inviting citizens to approach. Buff-colored Indiana limestone — approximately 14,000 decorative-cut panels, some 14’ in length — gives the building a similar appearance to other buildings lining the Capitol Mall.



The Hall of Justice, as seen from the Capitol mall.

As visitors approach the building, they are greeted by a reminder of the judicial branch’s mission; the words “freedom,” “truth,” “equality,” and “justice” — are chiseled into the black granite that anchors the colonnades and public sitting areas. In his dedication speech, Justice Michael F. Cavanagh described what he believed to be the intent and meaning of those words:



*We put those four words up without explanation or even an apparent order because we wanted them to invite reflection. Four words that a teacher can use asking students what they might mean. How they might relate to each other. Which one might be the foundation of which other. We want the students of this state to be active participants in justice and in thinking about justice before they even come in the front door. But I can tell you what those four words mean to me. Freedom is the oxygen that we breathe in this country. It is the core value of our Constitution as reflected in the First Amendment guaranties of freedom of speech, freedom of religion and freedom of assembly. It is the essential element that brought so many of our ancestors to these shores and it is the essential element for which some of our African-American ancestors would glad-*

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## Virtual Tour

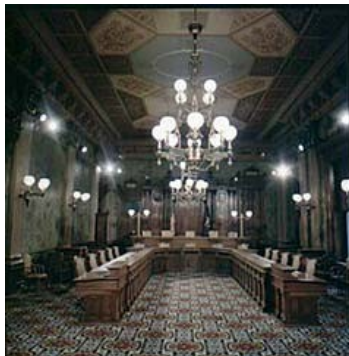
(continued from page 15)

*ly bear the risk of coming north to these lakes by the underground railroad. In freedom we can seek truth. From Aristotle to Aquinas to Einstein to your daughter in graduate school, the human adventure is a quest for truth. In the marrow of our bones we hunger for truth. And when we accept truth we recognize equality. We acknowledge and embrace the self-evident truth that all persons are created equal. Some of us are tall and some of us are short. Some of us have been blessed by the almighty with one set of gifts and some have been blessed with another set. But all are equal. In freedom and in truth and in equality we are then prepared to find justice. With humility and gratitude we accept the charge given us by the people to enter these doors behind us and to do justice. We can do that only with the help and cooperation and prayers and support of all the people of Michigan. Persons of every background and culture must help us to continue to grow in our understanding of justice.*

On entering the building, visitors see the Great Seal of the State of Michigan inlaid in the ground floor lobby's black-and-white marble floor. Above them, under the second floor railing, visitors can read from Article 1, Section 1 of the Michigan Constitution: "All political power is inherent in the people. Government is institute for their equal benefit, security and protection."



The glass dome, as seen from the inside.



The old Supreme Court courtroom in the Capitol, where the Court presided from 1879 to 1970.

The use of interior stone drew its inspiration from, and ties the Hall of Justice into, the State Capitol. The interior spaces of the Hall of Justice are organized around a series of circular, colonnaded lobbies on each floor. The columns are repeated in the double height ground floor lobby, which access the Learning and Conference Centers. The Supreme Court lobby is placed hierarchically on the top floor beneath the glass dome.

From this ceremonial space, you enter the Supreme Court's courtroom, designed to invoke the old Capitol courtroom with warm, exotic woods and rich textiles. In fact, the carpet within the courtroom is a reinterpretation of the carpet pattern found in one of the original Senate Chambers (in the Capitol).

The original case calendar moved with the Court and is in use today; however, there is a modern flair in the use of technology, such as the attorney's stand, which can be raised and lowered with the touch of a button, and the window shades on the clerestory windows that the justices can raise or lower with the touch of a button.

The original case calendar moved with the Court and is in use today; however, there is a modern flair in the use of technology, such as the attorney's stand, which can be raised and lowered with the touch of a button, and the window shades on the clerestory windows that the justices can raise or lower with the touch of a button.

Unlike typical American courtrooms, the Supreme Court courtroom is round. Reminiscent of a Native American sentencing circle in which young and old have a voice, it reminds visitors of Michigan's first lawgivers.

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The ground floor lobby of the Hall of Justice.



The Michigan Supreme Court courtroom in the Hall of Justice.



## Virtual Tour

(continued from page 16)

On the ground floor of the Michigan Hall of Justice is a 3,800 sq. ft. Learning Center designed to educate the public about the role of the Michigan court system in everyday life. When the Center was built, it was only the second such facility in the nation after Hawaii. It has since become a model for other state supreme courts; the Supreme Court of Ohio consulted with Learning Center staff before opening a visitor center in 2005 and other states continue to inquire about similar projects.

The Center is filled with activities and exhibits designed for visitors from elementary school to adults. Video, computer programs, photographs, text, and hands-on activities encourage visitors to answer questions, explore information, and role play. Groups of all types tour the gallery, including international guests from around the globe and school groups that are studying Michigan history and government. Often, trial court employees take self-guided tours when they visit the Hall of Justice for meetings and seminars, and some courts schedule guided tours for specific groups, such as high-risk youth or juvenile probationers, to give them a broader view of the courts. Volunteer docents provide guided group tours and assist in preparing programs and resource materials for schools and other groups.

For more information, visit the Learning Center's website or call 517-373-7171. Guided tours are scheduled Monday through Friday, 9:00 a.m. – 4:00 p.m.

By long-standing tradition, each justice has a portrait painted, and presents it to the Court, after the justice retires from the bench. However, before the Hall of Justice was built, there was not much consistency in where these portraits were hung. Now they are on display in both public and private areas of the Hall of Justice. The first floor rotunda, for example, contains the individual portraits of the Big Four justices – Isaac Christiancy, Thomas Cooley, Benjamin Graves, and James Campbell – pictured here. [Individual portraits](#) can also be seen on the Supreme Court Historical Society's website.

Interested in learning more about the history of the Michigan Supreme Court? Visit the [Michigan Supreme Court Historical Society's website](#) or contact Carrie Pickett at 517-373-7589 or [cpickett@micourthistory.org](mailto:cpickett@micourthistory.org). ■



## COMMUNICATIONS 101

# Writing Better E-mails: Before and After

By Marcia McBrien

Public Information Officer, Michigan Supreme Court

Well-focused writing isn't just for memos and letters; e-mail is much more effective when the writer gets to the point.

Here's a sample e-mail:

*My supervisor has referred my question for assistance to you.*

*I have been contacted by a member of the executive branch who wishes to use one of our conference rooms for a meeting that will be used for planning Take Our Children to Work Day, a national event in which parents bring their children to the workplace. Can we provide them with this opportunity?*

*Please let me know your thoughts on this request so I might get back with them as quickly as possible. They are wanting to hold this meeting on the morning of Monday Feb. 27.*

*Thank you for your assistance in this matter.*

This is a very courteous e-mail, but it suffers from wordiness and the passive voice, and includes some details that are probably unnecessary. For example, does the recipient really need to know that the writer's supervisor suggested the contact?

But let's assume that, for whatever reason, the recipient needs to know about the supervisor's referral. A better version of the e-mail might read like this:

*Sam Supervisor suggested that I contact you about a request to use one of our conference rooms. Elly Executive from DMB wants to hold a meeting here about Take Our Children to Work Day. Should we grant her request? Please let me know as soon as possible, as they want to hold the meeting on Monday, Feb. 27. Thanks for your help.*

The revised e-mail is not only shorter, but puts the request up front. It also eliminates unnecessary words and details — for example, the writer can safely assume that the recipient will know that "Thanks for your help" refers to the conference room request, so it's not necessary to go the extra step and add "in this matter." The new version not only retains the courteous tone of the first e-mail, but is also considerate of the recipient's time. ■

*Marcia McBrien is an attorney and the Public Information Officer of the Michigan Supreme Court. Media 101 is a regular feature of TCS Connections. If you have a communications or public relations topic that you'd like to see in a future issue, e-mail Marcia at [McBrienM@courts.mi.gov](mailto:McBrienM@courts.mi.gov). You can also follow Marcia on Twitter at <http://twitter.com/CourtInfo>.*